

**BEFORE THE TENNESSEE REGULATORY AUTHORITY
NASHVILLE, TENNESSEE**

SEPTEMBER 27, 1999

IN RE:)	
)	
PETITION OF TELEPORT COMMUNICATIONS)	DOCKET NO. 99-00280
GROUP, INC. FOR APPROVAL OF AN)	
INTRALATA TOLL DIALING PARITY PLAN)	

**ORDER APPROVING THE INTRALATA TOLL DIALING PARITY
IMPLEMENTATION PLAN**

This matter came before the Tennessee Regulatory Authority (the "Authority") on July 13, 1999, at a regularly scheduled Authority Conference, to consider the Petition of Teleport Communications Group, Inc. ("Teleport") for approval of an IntraLATA Toll Dialing Parity Implementation Plan ("the Plan").

Section 251(b) of the Telecommunications Act of 1996 ("the Act") requires all Local Exchange Carriers to provide dialing parity.¹ Specifically, section 251 (b)(3) of the Act states, "Dialing Parity - The duty to provide dialing parity to competing providers of telephone exchange service and telephone toll service, and the duty to permit all such providers to have nondiscriminatory access to telephone numbers, operator services, directory assistance, and directory listing, with no unreasonable dialing delays." The Act further states in sections 251(f)(1) and 251(f)(2) that a rural telephone company may file with the state commission for exemption, suspension or modification of the dialing parity requirements.

¹ Telecommunications Act of 1996, Pub. L. No. 104-104, (February 8, 1996), codified at 47 U.S.C. §§151 *et seq.*

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The Federal Communications Commission ("FCC") initiated a rulemaking on dialing parity on April 19, 1996 and issued its findings in FCC 96-333 Order (Docket 96-98) adopted on August 8, 1996. This Order sets forth the criteria and guidelines for filing of a plan by all carriers. Subsequent to this Order the United States Court of Appeals for the Eighth Circuit vacated the FCC's rules, as they were applicable to intrastate services.² On January 25, 1999, the United States Supreme Court reversed certain portions of the Eighth Circuit's decision including that part of the decision which had stricken the FCC's rules pertaining to dialing parity.³

The FCC's original date for implementation, February 8, 1999, was reinstated by the Supreme Court's decision of January 25, 1999. As a result of this reinstatement, the FCC released FCC 99-54 Order (Docket 96-98) on March 23, 1999, which set forth revised implementation dates for dialing parity. This Order establishes April 22, 1999 as the new date by which all Local Exchange Carriers must file an IntraLATA Toll Dialing Parity Plan with State Commissions for approval. The Plan must be implemented within thirty (30) days after approval from the State Commission. Additionally, the Order states that the Plan must be filed with the Common Carrier Bureau of the FCC if the State Commission has not acted on the Plan by June 22, 1999.

Teleport is a telecommunications company operating under Tenn. Code Ann. § 65-4-201 as competitive local exchange carrier that provides telecommunications services in Tennessee. Pursuant to 47 C.F.R. § 51.213, Teleport is required to file a plan with the Authority that provides for implementing intraLATA toll dialing parity in the exchanges in

² FCC v. Iowa Utils. Bd., United States Court of Appeals for the Eighth Circuit, July 18, 1997.

³ AT&T v. Iowa Utils. Bd., 119 S.Ct. 721 (1999).

Tennessee where service is provided.⁴ This plan must allow customers to pre-subscribe to different carriers for local service, intraLATA toll service and interLATA toll service.⁵

Teleport Communications Group, Inc. filed an intraLATA toll dialing plan on April 22, 1999 and amended the plan on July 2, 1999. The Plan as amended, attached hereto as Exhibit A, is fully incorporated herein by this reference.

The Directors considered the Plan at the July 13, 1999 Authority Conference and determined that the Plan, as amended, satisfies the requirements set forth by the FCC in Docket 96-98, FCC Order 96-333 and FCC Order 99-54.⁶ The Plan provides for a method that enables customers to select alternate providers of telephone toll service; a method which allows customers to choose different carriers for interLATA and intraLATA service; customer notification/education procedures; and anti-slamming procedures. The Directors unanimously voted to approve the amended intraLATA toll dialing parity implementation plan of Teleport Communications Group, Inc., with the requirement that the petitioner comply with all applicable sections of FCC Order 96-333 upon implementation of intraLATA equal access.

IT IS THEREFORE ORDERED THAT:

1. The amended Plan of Teleport Communications Group, Inc. for IntraLATA Toll Dialing Parity Implementation, a copy of which is attached as Exhibit A, is hereby approved and is incorporated in this Order as if fully rewritten herein;

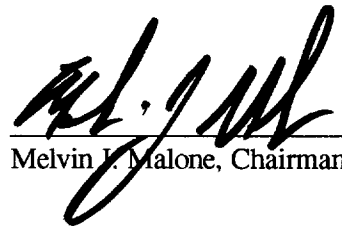
⁴ Under 47 C.F.R. §51.213, the Federal Communication Commission requires that an intraLATA toll dialing parity plan contain: (1) a proposal that explains how the local exchange carrier will offer intraLATA toll dialing parity for each exchange that such carrier operates in the state, in accordance with the provisions of this section, and a proposed time schedule for implementation; and (2) a proposal for timely notification to its subscribers and the methods it proposes to use to enable each subscriber to affirmatively select an intraLATA toll service provider. The state commission must approve any such plan prior to implementation.

⁵ Pre-subscription allows the customer to place a call without dialing an access code.

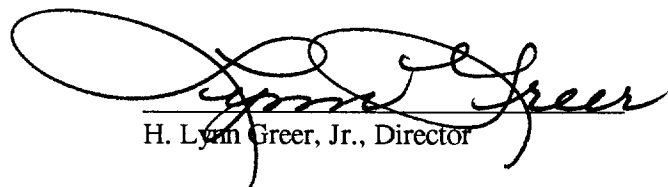
⁶ FCC Order 96-333, released August 8, 1996, sets forth the requirements for implementation of IntraLATA Toll Dialing Parity. FCC Order 99-54, released March 23, 1999, extends to June 22, 1999 the deadline for state commissions to act on a LEC's IntraLATA Toll Dialing Parity Plan.

2. Teleport Communications Group, Inc. shall comply with all applicable sections of FCC Order 96-333 upon implementing IntraLATA equal access; and

3. Any party aggrieved by the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within ten (10) days from and after the date of this Order.



Melvin J. Malone, Chairman



H. Lynn Greer, Jr., Director



Sara Kyle, Director

ATTEST:



K. David Waddell, Executive Secretary

REC'D TN
REGULATORY AUTH.

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Jim Lamoureux
Attorney
Law and Government Affairs
Southern Region
jlamoureux@att.com

OFFICE OF THE
EXECUTIVE SECRETARY

Promenade 1
1200 Peachtree Street N.E.
Atlanta, GA 30309
404 810 4196
FAX: 404 810 5901

July 1, 1999

By [HAND]

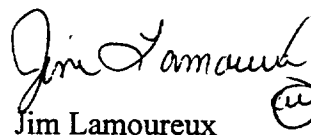
David Waddell
Executive Secretary
Tennessee Regulatory Authority
460 James Robertson Parkway
Nashville, Tennessee 37243

Re: Docket No. 99-00280
Revised AT&T-TCG Toll Dialing Parity Implementation Plan

Dear Mr. Waddell:

Please find enclosed for filing the original and 13 copies of AT&T's and TCG's Revised Toll Dialing Parity Implementation Plans, along with AT&T's Petition for Waiver.

Sincerely,


Jim Lamoureux

Encls.

TCG Dialing Parity Implementation Plan

TCG hereby files this Dialing Parity Implementation Plan in accordance with the Federal Communications Commission Order released on March 23, 1999, in Implementation of the Local Competition Provisions of the Telecommunications Act of 1996, Petition of Southwestern Bell Telephone Company, Pacific Bell, and Nevada Bell for Expedited Declaratory Ruling on Interstate IntraLATA Toll Dialing Parity or, in the Alternative, Various Other Relief, CC Docket No. 96-98, NSD File No. 98-121. This Plan sets forth TCG's proposal for providing intraLATA toll dialing parity within the state of Tennessee for customers subscribing to TCG services.

Methodology: TCG will provide full 2-PIC (intraLATA toll & interLATA) dialing parity, allowing TCG customers to pre-subscribe to one carrier for all interLATA calls and to the same or another carrier for all intraLATA toll calls. One interLATA IXC and one intraLATA IXC may be selected for each trunk. TCG will also provide a "No PIC" feature, allowing customers the capability to "dial around". TCG will convert all its central offices on a statewide basis.

Availability: TCG will provide full 2-PIC dialing parity in each LATA and exchange in which TCG provides service. TCG local service is offered in all exchanges and LATAs in Tennessee in which TCG is authorized to provide local and intraLATA toll services.

Subscriber Practices: TCG will inform new TCG local service customers of the dialing parity feature and, upon request, will provide customers a randomly ordered list of carriers available to them in their geographic area.

TCG will utilize competitively neutral business office practices when an existing TCG customer contacts TCG to request information on dialing parity or to change to an alternate intraLATA toll. Upon request, TCG will provide customers a randomly ordered list of carriers available to them in their geographic area. New customers who do not make a positive choice for an intraLATA toll carrier will be notified that they will not be automatically defaulted to a carrier and will be required to dial an access code to place intraLATA toll calls until they make an affirmative choice for an intraLATA toll carrier. In addition, unless an existing TCG subscriber requests a change to their presubscribed intraLATA toll carrier ("PTC"), their intraLATA toll traffic will remain with their existing PTC.

TCG will accept customer-initiated or carrier-initiated requests for alternate intraLATA toll carriers on the date of implementation. If all necessary access facilities already exist, the PTC selection will be processed within three business days. Should the installation of new access facilities (e.g., from the TCG switch to the IXC or from the customer premises to the TCG switch) be required, the PTC selection will be completed within

three business days of the new facilities being fully provisioned and operational. The new facilities will be provisioned within standard provisioning intervals.

At this time, TCG will not impose charges on its customers for pre-subscribing to an alternate carrier or for changing their PTC selection.

TCG will provide notice to its subscribers of the forthcoming availability of intraLATA toll dialing parity by means of a one-time mailing, a copy of which is attached as Exhibit 1. This mailing will be sent 15 days prior to the implementation of dialing parity, provided that at least one ASR has been received from an alternate carrier.

Carrier Practices: Any interexchange carrier that wishes to be listed as a provider of intraLATA toll service at the time of dialing parity implementation shall notify TCG no later than 30 days prior to dialing parity availability. Interexchange carriers that wish to offer intraLATA toll service to TCG local customers must establish direct interconnection of its network with the TCG network. Other Access Service Request ("ASR") requirements are available from the TCG Carrier Service Center. TCG will implement ASRs that require the installation of new access facilities in accordance with standard provisioning intervals. TCG will not implement a cost recovery plan at this time.) In addition, TCG will not impose a PIC Change Charge on customers. In keeping with the TRA's anti-slamming rules, TCG will adhere to the TRA anti-slamming rules and implement a PIC freeze moratorium for 180 days. TCG will comply with all rules imposed by the FCC and the TRA.

Proposed Implementation Schedule: TCG will implement dialing parity no later than 30 days after the date of the Order in which this plan is approved.

Exhibit 1

Date

Dear Customer,

As a valued TCG customer we are pleased to announce an enhancement to your TCG service: the availability of intraLATA toll pre-subscription. Pre-Subscription gives you the opportunity to choose an alternate carrier to complete your intraLATA toll calls.

TCG currently completes your intraLATA toll calls, and will continue to do so unless you choose otherwise.

Other companies will solicit your intraLATA toll business. Before making a change, however, please remember that each company's rates, plans and policies are different. If you wish to make a change, please contact our customer service center. You should also contact the intraLATA toll company you have chosen to ensure your account is properly established. This feature is available to you effective [insert date]. TCG will not impose any charges for this feature.

As always, we are grateful for your continued business. If you have any questions or wish to make a change, please contact our business office at 1-888-227-3824 on or after [insert date].

Sincerely,